

24.04.2024
DL-35
Court No.29
(AD)
(Rejected)

C.R.M. (A) 1445 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Usthi** Police Station Case No. **420 of 2023** dated **10.09.2023** under Sections **448/364/302/34** of the Indian Penal Code, 1860. (G.R. Case No.3136 of 2023)

And

In the matter of: **Arif Molla @ Arif Hossain Molla & Ors.**

....petitioners.

Mr. Saswata Gopal Mukherji
Mr. Aniket Mitra
Mr. Sudipto Das

... for the petitioners.

Ms. Faria Hossain
Mr. Sumon Saha

... for the State.

1. Petitioners pray for anticipatory bail.
2. Learned Advocate appearing for the petitioners submits that, the complaint to the police was lodged by an eye-witness. Such written complaint does not name any of the petitioners. Two statements under Section 164 of the Code of Criminal Procedure were recorded two and half months from the date of the incident.
3. Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 164 of the Code of Criminal Procedure.
4. Statements recorded under Section 164 of the Code of Criminal Procedure are by eye-witnesses. They named all the petitioners as persons involved in the incident of assault leading to the murder of the victim.
5. Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

6. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

7. **C.R.M. (A) 1445 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)